

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CR-21-309-RAW</b>
	)	
<b>BEAU DANIEL LEE PRINCE,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

Before the court is the renewed objection of the government to notice of defendant’s expert witness. The defendant has responded (#97). The court finds that the expert’s affidavit (#97-1) sufficiently meets the threshold of Rule 702 F.R.Evid. and *Daubert v. Merrell Dow Pharm. Inc.*, 509 U.S. 579, 590 (1993). A *Daubert* hearing is not required if the court satisfies its gatekeeper function in some other way. *See United States v. Blake*, 284 Fed.Appx. 530, 540 (10<sup>th</sup> Cir.2008). “In its gatekeeper role, the district court must make findings – if a party challenges expert testimony – that the expert testimony is both reliable and relevant.” *United States v. Cushing*, 10 F.4th 1055, 1079 (10<sup>th</sup> Cir.2021).

Reliability is about the reasoning and methodology underlying the expert’s opinion. *See United States v. Wofford*, 766 Fed.Appx. 576, 581 (10<sup>th</sup> Cir.2019). Relevance is about whether the expert testimony will assist the trier of fact or whether it instead falls within the juror’s common knowledge and experience and will usurp the juror’s role of evaluating a witness’s credibility. *Id.*

Dr. Pierce states as follows: “My method is to overlay the scientific literature (peer-

reviewed published materials) with case facts, including the forensic interview, to see if there is an alignment that, if known to the jury, would help them make a proper determination.” (#96-1 at page 5 of 6). Moreover, “[t]his method is relevant and reliable because it is firmly based in the psychology of human behavior and in scientific literature that has studied interview methods and protocols for decades over statistically relevant populations and has provided conclusions on which experts can depend to do the above.” *Id.* In the court’s view, this manifests both reliability and relevance.

Additionally, he states “I have interviewed *and treated* thousands of child victims.” *Id.* (at page 6 of 6)(emphasis added). Further, he disavows any of his testimony will be directed toward credibility. *Id.* In sum, the court will permit Dr. Pierce to testify. The government’s objections may of course be explored on cross-examination.

It is the order of the court that the renewed objection of the government (#75) is hereby DENIED.

**ORDERED THIS 25<sup>th</sup> DAY OF MARCH, 2022.**



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**RONALD A. WHITE**  
**UNITED STATES DISTRICT JUDGE**